IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1289 of 2004 (M/S)

St. James School Society,
Ward No. 3, Church Road,
P.O. Vikas Nagar, Through its
Joint Secretary, Heretpur,
District Dehradun & others

..... Petitioners.

Versus

Civil Judge (Junior Division)
Dehradun and others

..... Respondents

Mr. Alok Singh, Senior Advocate assisted by
Mr. Gopal Narayan, learned counsel for the petitioners.

Hon'ble Prafulla C. Pant, J.

By means of this petition, moved under Article 227 of the Constitution of India, the plaintiffs have challenged the rejection of their application to file additional papers before the learned Civil Judge (Junior Division), Dehradun in civil suit No. 329 of 1988.

2) I heard learned counsel for the petitioners and perused the impugned order (copy Annexure- 3 to the petition). The suit in question is more than 15 years old and pending at the stage of arguments. Vide order dated 01.08.2001, plaintiff's application 185-C was rejected by the learned trial court on the ground that the plaintiffs are knowingly delaying the disposal of the suit. Perusal of the record shows that the four papers were sought to be filed by the plaintiffs at the stage of arguments out of which paper Nos. 2, 3 and 4 of list 187-C were photocopies and inadmissible. And, to that extent, the impugned order suffers from no illegality. However, paper No. 1 of the list was

copy of the order passed by Additional District Judge, Azamgarh in Suit No. 2 of 1998 regarding which there was explanation that the plaintiffs have not filed the same earlier as said order was passed on 14.11.2000 by the court at Azamgarh.

3) This Court is not inclined to entertain this petition, as it would further delay the proceedings of the original suit. Therefore, the petition is dismissed in limine with the observation that the learned trial court may read certified copy of the order dated 14.11.2000 passed in original suit No. 02 of 1998 by the Additional District Judge, Azamgarh filed by the plaintiffs, in evidence.

(Prafulla C. Pant, J.)

Dt. 14.12.2004
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